

EXHIBIT 1

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 12 WAP 2023

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October 6, 2023

CAPTION

Timothy A. Ungarean, DMD d/b/a Smile Savers Dentistry, PC, individually and on behalf of a Class of Similarly Situated Persons, Appellee

v.

CNA and Valley Forge Insurance Company, Appellants

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number:

Case Category: Civil Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type	Docket No / Reason	Type
11 WAP 2023	Consolidated	10 WAP 2023	Related
Similar Issues		Similar Issues	
		MacMiles, LLC, Aplt. v. Erie Insurance Exchange	
		11 WAP 2023	Related
		Similar Issues	
		Ungarean, T. v. CNA et al, Aplt	

COUNSEL INFORMATION

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Receive EMail: Yes Email:

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Pro Se: No

IFP Status:

Representing: Valley Forge Insurance Company, Appellant

Pro Se: No

IFP Status:

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COUNSEL INFORMATION

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IFP Status:

Representing: Valley Forge Insurance Company, Appellant

Pro Se: No

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Representing: CNA, Appellant

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Pro Se: No

IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

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Pro Se: No

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Pro Se: No

IFP Status:

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Receive Mail: Yes

Representing: CNA, Appellant

Pro Se: No

IFP Status:

Representing: Valley Forge Insurance Company, Appellant

Pro Se: No

IFP Status:

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COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

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 Representing: Timothy Ungarean, DMD, d/b/a Smile Savers Dentistry, PC, Appellee
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 Pro Se: No
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COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

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SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered November 30, 2022 at No. 948 WDA 2021, Affirming the Order of the Court of Common Pleas of Allegheny County entered March 26, 2021 at No. GD-20-006544.

Probable Jurisdiction Noted: Docketed Date: July 13, 2023
 Allocatur/Miscellaneous Granted: July 13, 2023 Allocatur/Miscellaneous Docket No.: 314 WAL 2022
 Allocatur/Miscellaneous Grant Order: AND NOW, this 13th day of July, 2023, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioners, are:

(1) Did the Superior Court err in its decision affirming the trial court's opinion concluding that Respondent Timothy A. Ungarean, DMD is entitled to Business Income, Extra Expense and Civil Authority coverage under the policy issued by Petitioner Valley Forge Insurance Company as a result of the COVID-19 pandemic and associated orders issued by Governor Wolf, where the policy only provides coverage following "direct physical loss of or damage to" property and neither the relevant government orders nor the COVID-19 pandemic caused a physical alteration to property?

(2) Did the Superior Court err in its decision affirming the trial court's opinion concluding that Respondent Timothy A. Ungarean, DMD is entitled to Civil Authority coverage under the policy issued by Petitioner Valley Forge Insurance Company as a result of the COVID-19 pandemic and associated orders issued by Governor Wolf, where the policy provides such coverage only following an action by a civil authority that was issued "due to" physical loss of or damage to property and "prohibit[s] access" to a policyholder's premises?

(3) Did the Superior Court err in its decision affirming the trial court's opinion concluding that the Contamination; Consequential Loss; Fungi, Wet Rot, Dry Rot, and Microbes; Acts or Decisions; and Ordinance or Law exclusions in the policy issued by Petitioner Valley Forge Insurance Company did not bar coverage for Respondent Timothy A. Ungarean, DMD's alleged losses related to the COVID-19 pandemic and associated orders issued by Governor Wolf?

The Prothonotary is directed to list this matter for argument simultaneously with MacMiles, LLC v. Erie Insurance Exchange, 10 WAP 2023.

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name:	Superior	Docket Number:	948 WDA 2021
Date of Order:	November 30, 2022	Rearg/Recon Disp Date:	
		Rearg/Recon Disposition:	
Judge(s):	Panella, Jack A. Bender, John T. Bowes, Mary Jane Lazarus, Anne E. Stabile, Victor P. Kunselman, Deborah A. Nichols, Carolyn H. McLaughlin, Maria King, Megan		

Intermediate Appellate Court Action: Affirmed.
 Referring Court:

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AGENCY/TRIAL COURT INFORMATION

Court Below: Allegheny County Court of Common Pleas
 County: Allegheny Division: Allegheny County Civil Division
 Date of Agency/Trial Court Order: March 26, 2021
 Docket Number: GD-20-006544
 Judge(s): Ward, Christine A. OTN:
 Order Type: Judgment

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	July 13, 2023	*****Electronically Filed*****

Record Remittal:

BRIEFING SCHEDULE

Appellant	Appellee
CNA	Timothy Ungarean, DMD, d/b/a Smile Savers
Brief	Dentistry, PC
Due: October 2, 2023	Due: November 17, 2023
	Filed:
Reply Brief	
Due: December 8, 2023	Filed:
Reproduced Record	
Due: October 2, 2023	Filed: October 2, 2023
Valley Forge Insurance Company	
Brief	
Due: October 2, 2023	Filed: October 2, 2023
Reply Brief	
Due: December 8, 2023	Filed:

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 13, 2023	Allocatur Granted		Per Curiam

Comments:

AND NOW, this 13th day of July, 2023, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioners, are:

(1) Did the Superior Court err in its decision affirming the trial court's opinion concluding that Respondent Timothy A. Ungarean, DMD is entitled to Business Income, Extra Expense and Civil Authority coverage under the policy issued by Petitioner Valley Forge Insurance Company as a result of the COVID-19 pandemic and associated orders issued by Governor Wolf, where the policy only provides coverage following "direct physical loss of or damage to" property and neither the relevant government orders nor the COVID-19 pandemic caused a physical alteration to property?

(2) Did the Superior Court err in its decision affirming the trial court's opinion concluding that Respondent Timothy A. Ungarean, DMD is entitled to Civil Authority coverage under the policy issued by Petitioner Valley Forge Insurance

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
Company as a result of the COVID-19 pandemic and associated orders issued by Governor Wolf, where the policy provides such coverage only following an action by a civil authority that was issued "due to" physical loss of or damage to property and "prohibit[s] access" to a policyholder's premises?			
(3) Did the Superior Court err in its decision affirming the trial court's opinion concluding that the Contamination; Consequential Loss; Fungi, Wet Rot, Dry Rot, and Microbes; Acts or Decisions; and Ordinance or Law exclusions in the policy issued by Petitioner Valley Forge Insurance Company did not bar coverage for Respondent Timothy A. Ungarean, DMD's alleged losses related to the COVID-19 pandemic and associated orders issued by Governor Wolf?			
The Prothonotary is directed to list this matter for argument simultaneously with MacMiles, LLC v. Erie Insurance Exchange, 10 WAP 2023.			
July 13, 2023	Superior Court Record Received		Superior Court of Pennsylvania
August 2, 2023	Joint Application to Modify Briefing Schedule for Related Appeals and to Exceed Word Count	Appellant Appellant	CNA Valley Forge Insurance Company
August 16, 2023	Order Granting Joint Application to Modify Briefing Schedule and Denying to Exceed Word Count		Per Curiam
Comments: AND NOW, this 16th day of August, 2023, upon consideration of the Joint Application to Modify Briefing Schedule, the application is GRANTED, to the extent that the parties seek a modification of the briefing deadlines. Appellant's Brief and Reproduced Record are due by October 2, 2023; Appellee's Brief is due by November 17, 2023; and any reply brief is due by December 8, 2023. No further extensions shall be granted on the briefing deadlines absent extraordinary circumstances. To the extent the application seeks leave to submit briefs that exceed the limitations of Pa.R.A.P. 2135(a), the application is DENIED, WITHOUT PREJUDICE to the parties' ability to seek similar relief once they have prepared their briefs. Any such request SHALL be accompanied by a party's proposed brief for the Court's evaluation.			
August 16, 2023	Order Exited		Office of the Prothonotary
September 27, 2023	Application to be Admitted Pro Hac Vice for Attorneys Shanmugam, Boehning, Lipshutz and Higgins	CNA Valley Forge Insurance Company	Goldberg, Matthew Aaron Goldberg, Matthew Aaron
September 27, 2023	Order Granting Application to be Admitted Pro Hac Vice (Kannon K. Shanmugam, Esq.)		Ceraso, Betsy
Comments: AND NOW, this 27th day of September, 2023, the application for the admission pro hac vice of Kannon K. Shanmugam, Esq. is GRANTED.			
September 27, 2023	Order Exited		Office of the Prothonotary

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 27, 2023	Order Granting Application to be Admitted Pro Hac Vice (H. Christopher Boehning, Esq.)		Ceraso, Betsy
Comments: AND NOW, this 27th day of September, 2023, the application for the admission pro hac vice of H. Christopher Boehning, Esq. is GRANTED.			
September 27, 2023	Order Exited		Office of the Prothonotary
September 27, 2023	Order Granting Application to be Admitted Pro Hac Vice (Brian M. Lipshutz, Esq.)		Ceraso, Betsy
Comments: AND NOW, this 27th day of September, 2023, the application for the admission pro hac vice of Brian M. Lipshutz, Esq. is GRANTED.			
September 27, 2023	Order Exited		Office of the Prothonotary
September 27, 2023	Order Granting Application to be Admitted Pro Hac Vice (Matthew M. Higgins, Esq.)		Ceraso, Betsy
Comments: AND NOW, this 27th day of September, 2023, the application for the admission pro hac vice of Matthew M. Higgins, Esq. is GRANTED.			
September 27, 2023	Order Exited		Office of the Prothonotary
October 2, 2023	Appellant's Brief	Appellant Appellant	CNA Valley Forge Insurance Company
October 2, 2023	Appellant's Reproduced Record Filed	Appellant	CNA

CROSS COURT ACTIONS

Docket Number: 314 WAL 2022
Docket Number: 47 WDM 2021
Docket Number: 948 WDA 2021